

REMARKS

This Amendment is in response to the Office Action mailed on November 15, 2006. Claims 1 and 7 are amended. Claim 1 is amended editorially and is supported, for example, in the specification on page 8, line 25-page 10, line 13. Claim 7 is amended editorially and is supported, for example, in the specification on page 15, line 32-page 16, line 28. No new matter is added. Claims 1-12 remain pending.

§102(b) Rejections:

Claims 1-5 are rejected as being anticipated by Kaneko (JP Patent No. 61-145743). This rejection is traversed.

Claim 1 is directed to a deficiency detecting apparatus that detects deficiencies on an information medium that are unable to be recorded or reproduced when an information signal is recorded / reproduced with respect to the information medium using a light beam generated by a laser light source that requires, among other features, a deficiency detecting section for comparing a threshold value determined by calculating a value of the emitting power of the laser light source adjusted by a power adjusting section with a value corresponding to reflected light that is the light beam reflected by an information layer of the information medium. Thus a defect can be detected even if the optimal emission power of the laser light source varies.

Kaneko does not disclose or teach or suggest these features. Kaneko is directed to an optical disk device that converts a control signal (2) during a test program prior to data reproduction or data recording into a predetermined detection limit level (5) and regulates the output power thereafter to this level. Kaneko then detects a defect by comparing this preset detection limit level (5) with the detection signal (1) of the photodetector (8) (see page 6, line 14-page 7, line 6). Nowhere does Kaneko disclose or teach or suggest that the detection limit level (5) of an optical disk device is determined by calculating the emitting power of the laser light source adjusted by a power adjusting section. In contrast, Kaneko uses a predetermined detection limit level (5) that is set, regardless of any variances in the power of the laser light source. Accordingly, if the optimal emission of the laser light source varies, the predetermined detection limit level (5) of Kaneko may not detect a defect. For at least these reasons claim 1 is not anticipated by or

unpatentable over Kaneko. Claims 2-5 depend from claim 1 and should be allowed for at least the same reasons.

§103(a) Rejections:

Claim 6 is rejected as being unpatentable over Kaneko in view of Kawashima (US Patent Publication No. 2003/0133378). This rejection is traversed. Claim 6 depends from claim 1 and should be allowable for at least the same reasons described above. Applicants do not concede the correctness of this rejection.

Claims 7 and 8 are rejected as being unpatentable over Kaneko in view of Hiroshi (JP Patent Publication No. 09-115142). This rejection is traversed.

Claim 7 is directed to a deficiency detecting apparatus that requires, among other features, a deficiency detecting section for amplifying a signal corresponding to reflected light that is the light beam reflected by an information layer of the information medium at an amplification factor determined by calculating a value of the emitting power of the laser light source adjusted by the power adjusting section so as to generate a signal for amplified reflected light amount. The deficiency detecting section also compares a value corresponding to the signal for the amplified reflected light amount with a predetermined threshold value and detects the deficiencies on the information layer in accordance with a result of the comparison.

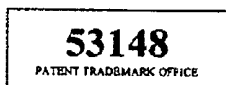
The combination of Kaneko and Hiroshi does not teach or suggest these features. The November 15, 2006 Office Action relies on Kaneko to include an amplification factor determined by calculating a value of the emitting power of the laser light source adjusted by the power adjusting section. Kaneko is directed to an optical disk device that converts the control signal (2) during a test program prior to data reproduction or data recording into the predetermined detection limit level (5) and regulates the output power to this level. Kaneko then detects a defect by comparing this preset detection limit level (5) with the detection signal (1) of the photodetector (8) (see page 6, line 14-page 7, line 6). Even if detection limit level (5) used by comparator (14) is amplified by the amplifier included in Hiroshi, nowhere does Kaneko disclose or teach or suggest that the detection limit level (5) is determined by calculating the emitting power of the laser light source adjusted by a power adjusting section. In contrast, Kaneko uses a predetermined

detection limit level (5) that is set, regardless of any variances in the power of the laser light source. Accordingly, if the optimal emission of the laser light source varies, the predetermined detection limit level (5) of Kaneko may not detect a defect. For at least these reasons claim 7 is not anticipated by or unpatentable over Kaneko. Claim 8 depends from claim 7 and is allowable for at least the same reasons.

Claim 12 is rejected as being unpatentable over Kaneko in view of Hiroshi and further in view of Kawashima. This rejection is traversed. Claim 12 depends from claim 7 and should be allowable for at least the same reasons described above. Applicants do not concede the correctness of this rejection.

Conclusion:

Applicants respectfully assert claims 1-12 are now in condition for allowance. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612) 455-3804.



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Respectfully submitted,

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